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**In re Applicant:**

Ilan LEVY et al

**Serial No.: 10/009,817**

**Filed:** December 13, 2001

Group Art Unit: 1623

**For: Modification Of Polysaccharide Containing Materials**

Attorney  
Docket: 01/22952

**Examiner:** Leigh C. Maier

**Mail Stop 16**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND UNDER 37 CFR 1.26**

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on December 7, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

**The details of the errors are as follows:**

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as

\$ 1,050 for 42 additional claims over 20 even though the above claims had been previously paid for and no new claims were introduced with the filing of the RCE. These charges were debited on December 8, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached December 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Code 2202) were not required and paid by mistake.

A refund of \$ 1,050 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,

  
Martin Moynihan,  
Registration No. 40,338

Date: November 1, 2007

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).



<b>Application Number</b>	10/009,817
<b>Filing Date</b>	December 13, 2001
<b>Examiner Name</b>	Leigh C. Maier
<b>First Named Inventor</b>	Ilan LEVY et al.
<b>Group Art Unit</b>	1623
<b>Attorney Docket Number</b>	01/22952

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

a.  Previously submitted

- i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

b.  Enclosed

- i.  Amendment/Reply
- ii.  Affidavit(s)/Declaration(s)
- iii.  Information Disclosure Statement (IDS)
- iv.  Other \_\_\_\_\_
- v.  Other \_\_\_\_\_

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)

b.  Other \_\_\_\_\_

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

<b>For:</b>	<b>Column 1 No. Filed</b>	<b>Column 2 No. Extra</b>	<b>SMALL ENTITY RATE                  FEE</b>		<b>OTHER THAN A SMALL ENTITY RATE                  FEE</b>	
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	\$ 360	\$
Total Claims	62 - 20=	42	42 x \$ 25	\$ 1050	\$50	\$
Independent Claims*	2 - 3=	0	0 x \$ 100	\$ 0	\$200	\$
			<b>TOTAL</b>	<b>\$1,445.</b>	<b>TOTAL</b>	<b>\$</b>

The Commissioner is hereby authorized to charge \$1,445.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

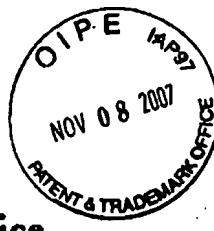
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature		Date	December 6, 2006

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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Trademark Office**



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### Deposit Account Statement

**Requested Statement Month:** December 2006  
**Deposit Account Number:** 501407  
**Name:** G E EHRLICH (1995) LTD.  
**Attention:** A J CASTORINA  
**Address:** 2001 JEFFERSON DAVIS HIGHWAY  
**City:** ARLINGTON  
**State:** VA  
**Zip:** 22202  
**Country:** UNITED STATES

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	150	11597829	32959	2631	\$150.00	\$85,100.55
12/01	151	11597829	32959	2633	\$100.00	\$85,000.55
12/01	152	11597829	32959	2615	\$925.00	\$84,075.55
12/01	153	11597829	32959	2632	\$250.00	\$83,825.55
12/01	199	11597820	32900	2631	\$150.00	\$83,675.55
12/01	200	11597820	32900	2633	\$100.00	\$83,575.55
12/01	201	11597820	32900	2632	\$250.00	\$83,325.55
12/01	202	11597820	32900	2615	\$650.00	\$82,675.55
12/01	203	11597820	32900	2614	\$100.00	\$82,575.55
12/01	99	11606242	32419	2011	\$150.00	\$82,425.55
12/01	100	11606242	32419	2111	\$250.00	\$82,175.55
12/01	101	11606242	32419	2311	\$100.00	\$82,075.55
12/01	103	11606242	32419	2202	\$725.00	\$81,350.55
12/01	102	11606242	32419	2081	\$125.00	\$81,225.55
12/01	240	11606154	32423	2011	\$150.00	\$81,075.55
12/01	241	11606154	32423	2111	\$250.00	\$80,825.55
12/01	242	11606154	32423	2311	\$100.00	\$80,725.55
12/01	243	11606154	32423	2201	\$100.00	\$80,625.55
12/01	244	11606154	32423	2202	\$600.00	\$80,025.55
12/01	124	11503119	31899	1251	\$120.00	\$79,905.55
12/01	125	11003939	28984	2251	\$60.00	\$79,845.55
12/01	130	11580954	32735	2051	\$65.00	\$79,780.55
12/01	93	60861746	33051	2005	\$100.00	\$79,680.55
12/04	28	60762519	31433(32775)	8007	\$20.00	\$79,660.55
12/04	19	11580119	32642	2051	\$65.00	\$79,595.55
12/04	6	09922846	01/22329	2253	\$510.00	\$79,085.55
12/04	9	09922846	01/22329	2201	\$400.00	\$78,685.55
12/04	7	09922846	01/22329	2801	\$395.00	\$78,290.55
12/04	8	09922846	01/22329	2202	\$650.00	\$77,640.55
12/04	171	11607075	33094	2011	\$150.00	\$77,490.55

12/07 42	6574500		2551	\$450.00	\$65,100.55
12/07 3	11214588	30847	1814	\$130.00	\$64,970.55
12/07 239	29253822	30822 (32642)	8007	\$40.00	\$64,930.55
12/07 340	60750835	31096(33130)	8007	\$20.00	\$64,910.55
12/07 344	60759954	31207(33128)	8007	\$20.00	\$64,890.55
12/08 148	11139524	29634	2501	\$700.00	\$64,190.55
12/08 149	11139524	29634	1504	\$300.00	\$63,890.55
12/08 88	11374969	31530	2251	\$60.00	\$63,830.55
12/08 90	11374969	31530	1814	\$130.00	\$63,700.55
12/08 91	11374969	31530	1814	\$130.00	\$63,570.55
12/08 93	11374969	31530	1814	\$130.00	\$63,440.55
12/08 92	11374969	31530	1814	\$130.00	\$63,310.55
12/08 94	11374969	31530	1814	\$130.00	\$63,180.55
12/08 95	11411769	31783	1464	\$130.00	\$63,050.55
12/08 241	11266441	30730	2501	\$700.00	\$62,350.55
12/08 242	11266441	30730	1504	\$300.00	\$62,050.55
12/08 233	10009817	01/22952	2801	\$395.00	\$61,655.55
12/08 234	10009817	01/22952	2202	\$1,050.00	\$60,605.55
12/08 182	10574462	31363	2631	-\$150.00	\$60,755.55
12/08 183	10574462	31363	2632	-\$250.00	\$61,005.55
12/08 185	10574462	31363	2615	-\$75.00	\$61,080.55
12/08 184	10574462	31363	2633	-\$100.00	\$61,180.55
12/08 186	10574462	31363	1631	\$300.00	\$60,880.55
12/08 187	10574462	31363	1633	\$200.00	\$60,680.55
12/08 189	10574462	31363	1615	\$150.00	\$60,530.55
12/08 188	10574462	31363	1632	\$500.00	\$60,030.55
12/08 92	11634910	32768	2011	\$150.00	\$59,880.55
12/08 95	11634910	32768	2202	\$800.00	\$59,080.55
12/08 96	11634910	32768	2201	\$200.00	\$58,880.55
12/08 97	11634910	32768	2081	\$125.00	\$58,755.55
12/08 94	11634910	32768	2311	\$100.00	\$58,655.55
12/08 93	11634910	32768	2111	\$250.00	\$58,405.55
12/08 141	60873259	32943	2005	\$100.00	\$58,305.55
12/11 9	6613344		2551	\$450.00	\$57,855.55
12/11 10	6575973		2551	\$450.00	\$57,405.55
12/11 28	11374969	31530	1814	-\$130.00	\$57,535.55
12/11 29	11374969	31530	1814	-\$130.00	\$57,666.55
12/11 30	11374969	31530	1814	-\$130.00	\$57,795.55
12/11 31	11374969	31530	1814	-\$130.00	\$57,925.55
12/11 37	11374969	31530	2814	\$65.00	\$57,860.55
12/11 38	11374969	31530	2814	\$65.00	\$57,795.55
12/11 39	11374969	31530	2814	\$65.00	\$57,730.55
12/11 40	11374969	31530	2814	\$65.00	\$57,665.55
12/11 41	11374969	31530	2814	\$65.00	\$57,600.55
12/11 140	5978697		2552	\$1,150.00	\$56,450.55
12/12 216	10831288	27799	2253	\$510.00	\$55,940.55
12/12 384	11132320	29795	8021	\$40.00	\$55,900.55
12/12 385	10533568	29684	8021	\$40.00	\$55,860.55
12/12 10	11503119	31899	1051	\$130.00	\$55,730.55
12/12 54	60762110	31383(32367)	8007	\$20.00	\$55,710.55
12/12 56	60850253	32778(32869)	8007	\$20.00	\$55,690.55



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Applicant:

Ilan LEVY et al

Serial No.: 10/009,817

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Group Art Unit: 1623

For: Modification Of Polysaccharide  
Containing Materials

Attorney  
Docket: 01/22952

Examiner: Leigh C. Maier

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313

**RESPONSE TO FINAL**

Sir:

This is in response to the United States Patent and Trademark Final Office Action mailed September 21, 2006, which response is being made on or before December 21, 2006 and for which no extension of time fee is due. A request for continued examination (RCE) is enclosed herewith.

Applicant submits this response for entry into the record, in which:

**Amendments to claims begin on page 2**

**Remarks begin on page 11**

12/08/2006 HMARZI1 00000172 501407 10009817

02 FC:2202 1050.00 DA

Please amend the above-identified application as follows:

Adjustment date: 12/05/2007 HDESTA1  
12/08/2006 HMARZI1 00000172 501407 10009817  
02 FC:2202 1050.00 CR